



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/080,029 | 02/21/2002 | Behrouz Kavarizadeh | 058520.00002 | 7739 |

44093 7590 08/26/2004

ELEY LAW FIRM CO.

P. O. BOX 340557

COLUMBUS, OH 43234-0557

EXAMINER

WOOD, KIMBERLY T

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

m

| | | | |
|------------------------------|------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/080,029 | KAWARIZADEH, BEHROUZ | |
| | Examiner | Art Unit | |
| | Kimberly T. Wood | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/4/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3632

This is an office action for serial number 4,239,306.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kluas 4,239,306. Kluas discloses a device that can function with a mouse comprising a first portion (top 24), a second portion (left and right 24, and 48) and third portion (bottom 24), a continuous storage section (where 38 is received in the device), and adhesive material (tending to remain in association or memory, defined by Webster 10th edition), a cutout (66, without the frame could not have access to storage the device would collapse).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over discloses the claimed invention except for Klaus 4,239,306. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the device of foam, plastic, cardboard, or rubber material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver 6,446,928 in view of Denize. Oliver discloses a first portion (25), a second portion (26 or 43), a third portion (27, in regards to claim 15 its element (42), a fourth portion (41 see figure 4b), a storage section (46 or 30), a cutout (13), a foam material (column 3, lines 50ff), a plastic material, a cardboard material (a wood processed product), a rubber material (column, lines 5ff), a adhesive area (column, lines 20ff), a plurality of separate storage areas (column 3, lines 56ff). When the first portion (25) is made of

Art Unit: 3632

rubber, foam, non-transparent plastic, or cardboard the storage section is only visible from a side. Oliver discloses all of the limitations of the claimed invention except for the storage section extending continuously from first and second opposite edges of the device therefore being accessible from both sides. Denize et al. (Denize) teaches that it is known to have a storage section having first portion (5), second portion (6) and at least one storage section extending continuously from a first and second opposite edges of the device (figures 1-4). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Oliver to have made the storage section extending continuously from a first and second opposite edges of the device as taught by Denize for the purpose of providing assisting the user to remove the stored object from the storage section.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver 6,446,928 in view of Denize 6,044,969, as discussed above in further view of Schriner 5,542,637.

Schriner discloses a first portion (11), a second portion (wall 56 and wall opposite 56 closest to 52), a third portion (the bottom portion 58), a storage section (80), a first (vertical 90) and second extensions (30), a third extension (vertical 92), a fourth extension (extension between 90 and 92 making up space

Art Unit: 3632

where number 58 is located, in regards to claim 3), fourth extension (horizontal extension between 92 and 30, in regards to claim 4). In regards to claim 5, the fourth extension is the horizontal extension between 90 and 92 making up the space where number 58 is located and the fifth extension is the horizontal extension between 92 and 30, the second portion now includes 54 and the first extension is element 92 and the second extension is the extension that runs perpendicular to element 92 from edge of 30 to contact 92, the second portion now includes (990, 56, wall opposite 56, and 3) therefore the first extension is element 92 and the second extension is the horizontal extension that runs from element 30 to element 90 being perpendicular thereto. The figures are not drawn to scale therefore it appears some of the extensions are on central axis. The third portion is rubber material (column 2, lines 46ff). Oliver discloses all of the limitations of the claimed invention except for the first, second and third elongated, parallel extensions. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Oliver in view of Denize to have made the storage section of different and separate storage compartments as taught by Schriner separated by first, second, and third elongate parallel extensions (90, 92, and 30 of Schriner) since such a modification is suggested in

Art Unit: 3632

column 3, lines 57ff, of Oliver. The modification would allow for "two or more different and separate pockets for the storage of a plurality of computer disks" as suggested by Oliver.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

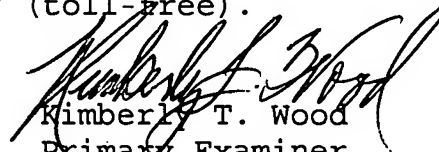
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0538. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

August 23, 2004